

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHARLES SEWARD, INDIVIDUALLY AND ON  
BEHALF OF ALL OTHERS SIMILARLY  
SITUATED, et al.,

Plaintiffs,

-v-

INTERNATIONAL BUSINESS  
MACHINES D/B/A IBM CORP.,

Defendant.

08-CV-3976 (KMK)

ORDER

KENNETH M. KARAS, District Judge:

For the reasons stated on the record in the proceedings held July 21, 2009, it is hereby  
ORDERED that Plaintiffs' motion for conditional class certification, pursuant to 29  
U.S.C. § 216(b), is GRANTED. It is further

ORDERED that Plaintiffs are to amend their Proposed Judicial Notice to comply with the  
modifications made by the Court during the July 21 proceedings and submit the amended  
Proposed Judicial Notice to the Court and Defendant by no later than July 29, 2009. Defendant  
is to submit any objections to the amended Proposed Judicial Notice by August 3, 2009. It is  
further

ORDERED that Defendant is to provide Plaintiffs' counsel with a computer-readable  
data file containing the names, addresses and telephone numbers of potential opt-in members so  
that the Judicial Notice, once it is authorized by the Court, may be issued. It is further

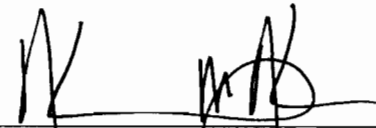
ORDERED that the Judicial Notice, once authorized by the Court, be sent via U.S. first  
class mail to all similarly situated persons employed by Defendant as call center employees at

the Atlanta Riveredge call center from three years prior to the issue of the notice to the present date to inform them of their right to opt-in to this lawsuit. It is further

ORDERED that the Clerk of the Court is to terminate the pending motion (Dkt. No. 44).

SO ORDERED.

DATED: White Plains, New York  
July 21, 2009

  
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KENNETH M. KARAS  
UNITED STATES DISTRICT JUDGE